HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 937 (MS) of 2004

Nanda Ballabh Pant
S/o Sh. Hari Dutt Pant
R/o Tali Haldwani,
Dist. Nainital. ..... Petitioner

Vs

State of Uttaranchal
And others. ..... Respondents

Counsel for the petitioner Sh. Paresh Tripathi
Counsel for the respondents Sh. U.K. Uniyal

Dated:- 29-9-2004

Hon'ble Rajesh Tandon.

Heard Sh.Parvesh Tripathi learned counsel for the petitioner and Sh U.K. Uniyal senior Advocate (Additional Advocate General) counsel for the respondents.

By the present writ petition the petitioner has prayed for a writ, order or direction in the nature of mandamus commanding the respondent No.2 i.e. Excise Commissioner to decide the matter.

Briefly stated according to the case of the petitioner, he is a licensee of F.L.5 for the excise year 2004-05 at Mallital, Nainital the license fee of which is Rs. 11 lakh and minimum guaranteed quota is Rs. 11,31,020 per month. Petitioner has submitted that respondent No.3 was permitted to carry on the business of F.L.2 for District Nainital in the campus, already approved for the excise year2004-2005 vide order dt. 11-6-2004 issued by the District Excise Officer, Nainital.

Further the petitioner has submitted that after the commencement of the business the respondent No.3 has

increased the selling price of liquor and has proceeded to increase the profit margin from 5% to 10%.

Petitioner has submitted he has made a representation to the Excise Minister, which was forwarded to the Commissioner, but the same has not been disposed of. From the perusal of the representation it will appear that it has been given to the Excise Commissioner and copy has been forwarded to the Commissioner.

Liberty is given to the petitioner to make a fresh representation to the Commissioner who shall look into the grievances of the petitioner.

Counsel for the petitioner Sh. Parvesh Tripathi has confined his prayer for disposed of his representation, by the Commissioner.

Sh. U.K. Uniyal senior Advocate, Additional Advocate General appearing on behalf of the respondents has submitted that the representation filed by the petitioner shall be disposed of by the Commissioner within a reasonable time.

In view of the above, petitioner is permitted to file a fresh representation before the Commissioner making his grievances which shall be disposed of by the Excise Commissioner within a period of 6 weeks from the date of the filing of the certified copy of the order.

Subject to the aforesaid observation, writ petition is disposed of.

(RAJESH TANDON J.)

Dated:- 29-9-2004

M.K.